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NOTE

From: Presidency
To: Delegations

No. prev. doc.: 11356/13

Subject: Preliminary discussion on possible revision of the EAW questionnaire on statistics (11356/13)
- Questions by the Commission

Delegations will find attached a paper with questions by the Commission. The Presidency intends discussing this paper at the meeting of the Friends of the Presidency, which is foreseen for 21 May 2019.

Preliminary discussion on possible revision of the EAW questionnaire on statistics (11356/13)

Questions by the Commission

The source of EU-level statistical data on the operation of the European Arrest Warrant (EAW) is the information provided annually by Member States in response to the standard questionnaire.¹ To date, this data has been provided by Member States to the Council for the years 2005 to 2013 and to the Commission for the years 2014 to 2018.

The Commission has noted that the quality of collected data could be improved. Therefore, the Commission prepared the following two questions for preliminary discussions:

- 1. Do Member States consider that clearer and/or additional instructions could improve the quality of collected data? If so, which instructions should be given?**

NB: An example of possible additional instructions based on the most common errors identified by the Commission:

-Please always use the questionnaire and avoid sending descriptive replies instead of filling the questionnaire (except for the last question), since this might cause problems of interpretation.

-Please avoid reformulating the questions (e.g. if question II.2 concerns the number of surrender proceedings initiated pursuant to the receipt of an EAW, this does not mean the number of EAWs received).

¹ The questionnaire used for the collection of the data for the period of 2005 to 2013 is contained in the Council document 8111/05 COPEN 75. As from 2015 (for the figures relating to 2014 onwards), this data is furnished in accordance with the standard questionnaire contained in the annex of the Council document 11356/13.

-If the answer to the question is “0” (zero cases), please always write “0” in each appropriate box, and avoid leaving an empty box, in order to avoid any problems of interpretation.

-If there is no data available, please always use “x” in each appropriate box, and avoid leaving an empty box, in order to avoid any problems of interpretation.

-If you are not in a position to provide a precise figure to a question, you may consider mentioning “x” and adding additional information with further relevant figures.

-When a question requires a grand total and subsequent subdivisions of answers (e.g. number of refusals and then number of refusals by category) or when one question refers to a category and another to a subcategory (e.g. number of persons surrendered and then number of persons surrendered who consented to the surrender), please ensure consistency between figures (e.g. the overall total cannot be inferior to the sum of figures provided in the subsections; the number indicated for a category cannot be inferior to the number indicated for a subcategory).

2. Do Member States consider that certain questions should be revised and/or new questions added? If so, which questions should be revised/added? (e.g., a new question on postponement of EAWs due to poor prison conditions²)

Moreover, are certain superfluous so that they could be deleted?

² See the recent document 8850/19.

Member States are kindly invited to submit replies to these two questions at the meeting of the Friends of the Presidency, which is scheduled to take place on 21 May 2019.

Alternatively, Member States could submit replies in writing by **Friday 7 June cob** by sending an electronic message to the Presidency (razvan.radu@rpro.eu), the General Secretariat (steven.cras@consilium.europa.eu) and the Commission (JUST-CRIMINAL-JUSTICE@ec.europa.eu).

Based on the replies, a decision will be taken whether to continue with discussions at the COPEN meeting that is scheduled to take place on Wednesday, 19 June.
